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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,386	12/12/2005	Laurent Breuil	10808/197	7956
48581	7590	07/24/2007	EXAMINER	
BRINKS HOFER GILSON & LIONE INFINEON PO BOX 10395 CHICAGO, IL 60610			CRANE, SARA W	
		ART UNIT	PAPER NUMBER	
		2811		
		MAIL DATE	DELIVERY MODE	
		07/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,386	BREUIL ET AL.	
	Examiner	Art Unit	
	Sara W. Crane	2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-38 is/are pending in the application.
 4a) Of the above claim(s) 8-21 is/are withdrawn from consideration.
 5) Claim(s) 1,3-7 and 22-31 is/are allowed.
 6) Claim(s) 32-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Allowable Subject Matter

Claims 1, 3-7, and 22-31 are allowed. The prior art does not teach or suggest the combination of features set forth for a nonvolatile memory element, including a conductivity state changeover material, for which changeover can be repeatedly effected, and including the electrodes having field amplifier structures as recited. Prior art devices having similar features are listed on the form PTO 892.

Note in claim 25, line 6, "both of the electrodes has" should probably be --both of the electrodes have--. Also, claim 28 has the phrase ".1toreq.90 degrees," which should be written out in English words.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 32-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al., 6,670,628, and Ovshinsky et al., '674, considered together, and further in view of Gilton et al., 6,646,902.

As noted in the Office action of 1/29/2007 with respect to claims 1-4 and 7, the Lee reference teaches each element of these claims except for the newly-added limitation of the erasing and the programming voltages having opposite polarity. This feature is taught in Gilton et al., column 6, lines 26-41, where column 1, lines 38-55,

makes it clear that the Gilton device is based on a phase change, or changeover material. It would have been obvious to program and erase the Lee device with voltages of opposite polarity as taught by Gilton et al., in order to cause the change in conductivity state taught as desirable by both references.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 32-35 and 38 above, and further in view of Reinberg and Plaettner et al.

See reasons of record in the discussion of claim 5, in the Office action of 1/29/2007.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 32-35 and 38 above, and further in view of Ovshinsky, 5,687,112.

See the discussion of claim 6, in the Office action of 1/29/2007.

Conclusion

Applicant's remarks of 5/3/2007 have been considered, and are convincing with respect to the claims allowed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (571) 272-1652.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sara W. Crane
Primary Examiner
Art Unit 2811